

**FIRST AMENDMENT
TO THE
SECOND AMENDED AND RESTATED RESIDENTIAL IMPROVEMENT
GUIDELINES AND SITE RESTRICTIONS FOR HAWHTORN METROPOLITAN
DISTRICT**

WHEREAS, Hawthorn Metropolitan District (the “**District**”), a quasi-municipal corporation and political subdivision of the State of Colorado, was organized to provide various services, including design review and covenant enforcement services, in and around the Hawthorn development in Jefferson County, Colorado; and

WHEREAS, pursuant to the Covenants and Restrictions of Hawthorn recorded in the real property records of the Clerk and Recorder of Jefferson County, Colorado at Reception No. 2013012640, on February 1, 2013 (the “**Covenants**”), the Architectural Review Committee (the “**ARC**”) has the authority to promulgate, adopt, enact, modify, amend, repeal, and re-enact architectural standards, rules and/or guidelines to interpret and implement the provisions of Article 2 of the Covenants, subject to the written approval of the Board of Directors of the District (the “**Board**”); and

WHEREAS, there is currently in place the Second Amended and Restated Residential Improvement Guidelines and Site Restrictions for Hawthorn Metropolitan District, dated September 11, 2023 (the “**Guidelines**”); and

WHEREAS, the ARC, with the written consent of the Board, desires to amend the Exhibit B of Guidelines in compliance with recent legislation affecting the District, as set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE ARC, WITH THE APPROVAL OF THE BOARD, THAT THE GUIDELINES ARE AMENDED AS FOLLOWS:

1. Repeal and Restatement. The first sentence of Section 3.36 (Landscaping) of the Guidelines is hereby repealed in its entirety and the following is substituted as the first sentence of Section 3.36 of the Guidelines.

Approval is required except for the replacement of materials with like materials or the installation of a pre-approved water wise garden as set forth in Exhibit B.

2. Repeal and Restatement. Exhibit B of the Guidelines is hereby repealed in its entirety and the Exhibit B, attached hereto is substituted in its place.

3. Board Consent. The Board, by execution hereof, hereby consents to the adoption of this First Amendment by the ARC.

4. Effective Date. The Amended Guidelines shall be effective as of January 8, 2025.

APPROVED AND ADOPTED BY THE ARC THIS 8th DAY OF JANUARY, 2025.

**ARCHITECTURAL REVIEW COMMITTEE
OF HAWTHORN METROPOLITAN
DISTRICT**

By: 
Krystal Bigley (Jan 10, 2025 22:23 MST)

Krystal Bigley

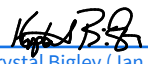
By: 
Stephen Daniels (Jan 8, 2025 08:49 MST)

Stephen Daniels

ACKNOWLEDGEMENT OF THE DISTRICT

By execution below, the undersigned acknowledge that the Board of Directors of the District has approved the adoption of the First Amendment by the ARC at a duly called meeting of the Board held on September 9, 2024.

HAWTHORN METROPOLITAN DISTRICT

By: 
Krystal Bigley (Jan 10, 2025 22:23 MST)
Officer of the District

Attest:

By: Stephen Daniels
Stephen Daniels (Jan 8, 2025 08:49 MST)

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON



General Counsel to the District

EXHIBIT B

LANDSCAPE REQUIREMENTS

TIMING OF LANDSCAPE INSTALLATION

The Owner of each Unit shall install landscaping on such Unit, and on adjacent tree lawn areas, within one hundred (180) days after acquisition of the Unit by the Owner if such acquisition closes between April 1 and July 31. If such acquisition does not occur between April 1 and July 31, then all landscaping shall be installed by the Owner by the following June 30.

PLANT MATERIAL & LOCATION

Landscaping shall consist of trees, shrubs, ground covers, annual and perennial flowers, turf grasses, mulches and automatic irrigation. In the case of shade or ornamental trees (deciduous), plantings may not be installed closer than 6 feet (6') from the property line. In the case of evergreen trees (conifer), plantings may not be installed closer than 10 feet (10') from the property line. Select a variety of plant species including deciduous and evergreen trees and shrubs.

Mulch material shall be selected recognizing that high winds may be present in District. Mulches that “knit” together and hold to the ground should be used.

Thorny plants shall not be located within 10 feet of sidewalks or walkways. Planting beds must be separated from turf by edging.

STREET TREES

All tree lawns shall contain deciduous trees spaced at one (1) tree per forty (40) linear feet.

STANDARD OPTION – FRONT YARD

The area from the back of the sidewalk to the front of the building and side yard wing is defined as the front yard. Additional appurtenances, landscape elements, and decorative entry features may be allowed and will be reviewed on a case by case basis.

Plant material required in the FRONT YARD based on lot width

Suggested Turf Coverage: (Artificial Turf is not allowed)

50-55' Wide Lot (59' Max) – Suggested 40% min / 50% max

60-70' Wide Lot (74' Max) – Suggested 40% min / 40% max

75'+ Wide Lot – Suggested 25% min / 40% max.

50-55' Wide Lot (59' Max.) – approximately 12 shrubs / 1 Deciduous Tree, 1 Evergreen Tree or 1 Ornamental Tree

60-70' Wide Lot (74' Max.) – approximately 16 shrubs / 1 Deciduous Tree, 1 Evergreen Tree or 1 Ornamental Tree
75'+ Wide Lot – approximately 26 shrubs / 1 Deciduous Tree, 1 Evergreen Tree or 1 Ornamental Tree

Ornamental grasses may be substituted for shrubs at a rate of 3 to 1.

STANDARD OPTION - SIDE YARDS

Internal Side Yard

- The portion of the lot between neighboring homes defined as the area between the building, side property line, rear of building and behind the front fence wing walls.
- May be covered in rock or mulch, no plant material is required.

External Side Yards

- Side yards on corner lots exposed to public view. Defined as the area between the building, back of sidewalk along the side property line, rear of building and in front of the front fence wing walls.
- Shall be landscaped with shrubs and trees at the rate of one tree and 10 shrubs per 40 linear feet of side yard.

STANDARD OPTION - REAR YARD

The rear yard is that portion of the lot between the rear property line and the rear of the building.

In rear yards there shall be at least 35% long-lived plant material (turf, trees, shrubs or ornamental grasses), no more than 25% short-lived plant material (perennials or annuals), and no more than 25% non-living material. Mulch areas or planting beds in rear yards must have plant material cover the mulch at a rate of 50% coverage at installation and 75% coverage at maturity. Natural turf shall be limited to no more than 45% of the area to be landscaped.

STANDARD OPTION - IRRIGATION

All landscaping shall include automatic irrigation.

XERIC OPTION – FRONT YARD

The area from the back of the sidewalk to the front of the building and side yard wing walls is defined as the front yard. Additional appurtenances, landscape elements, and decorative entry features may be allowed and will be reviewed on a case by case basis. The xeric option may also require review by the County.

Turf Requirement: no turf is required.

Rock and inorganic mulches are limited to not more than 50% of the area to be landscaped. 50% of all rock and other mulch areas shall be covered with living plant material.

Brick pavers, asphalt pavers, and natural stone limited to not more than 40% of the landscaped area.

Features: One of the following may shall be incorporated:

Wall – 1 to 2.5 feet high decorative natural stone, stucco or approved option.

Fence – in accordance with the fence requirements of District.

Berms – low earth berm 2.5 feet tall max. Slopes not to exceed one foot rise for each 4 feet of run.

Natural Boulders – 2 – two feet by three feet minimum.

As an alternative to the above, Owners may may select from one of the three pre-approved water-wise garden designs for the front yard, which are included in this Exhibit B. In the event an Owner is using a pre-approved plan, the Owner must notify the ARC in writing in advance of the intent to use a pre-approved plan, including which pre-approved plan is being used and the Owner's schedule for the installation of the landscaping. Any deviations from a pre-approved plan must be approved by the ARC.

XERIC OPTION – SIDE YARD

The side yard is the portion of the lot between the building, side property line, rear of building and behind the front fence wing walls.

Internal Side Yards – May be covered in rock or mulch, no plant material is required.

External Side Yards - On corner lots exposed to public view, they shall be landscaped by combining visible side and front yard areas and applying front yard standards.

XERIC OPTION – REAR YARD

The rear yard is that portion of the lot between the rear property line and the rear of the building.

In rear yards there shall be at least 35% long-lived plant material (turf, trees, shrubs or ornamental grasses), no more than 25% short-lived plant material (perennials or annuals), and no more that 25% non-living material. Mulch areas or planting beds in rear yards must have plant material cover the mulch at a rate of 50% coverage at installation and 75% coverage at maturity. Artificial turf is allowed in the rear yard.

XERIC OPTION - IRRIGATION

All landscaping shall include automatic irrigation.

Pre-Approved Water-Wise Designs

Hawthorn Metro Waterwise Landscape Proposals

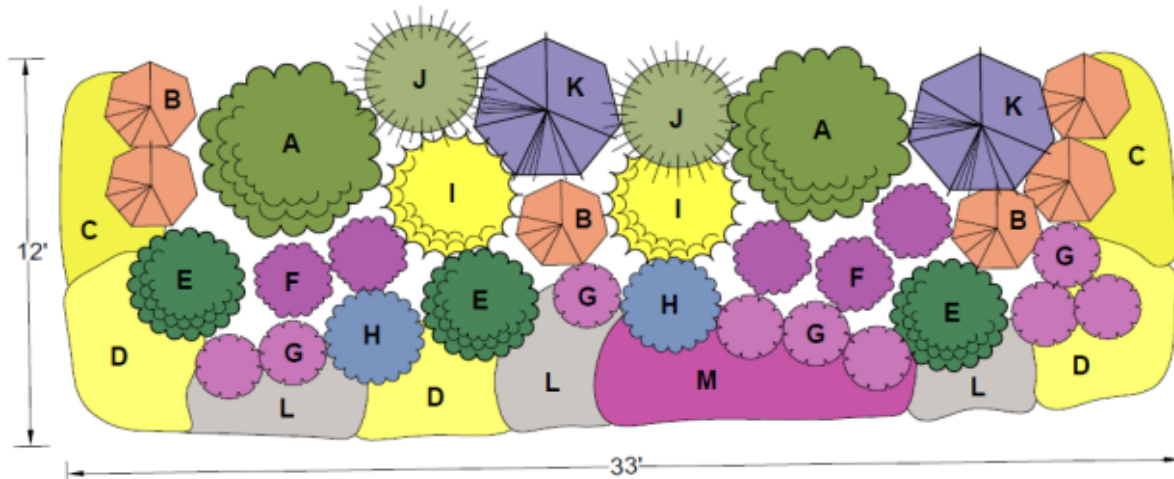
The orientation of the front yard and existing trees should be considered when choosing a waterwise option. Low-water gardens for shade are more challenging to sustain than their sunnier counterparts because many plants that grow naturally in shady spots are found in woodlands with regular moisture.

Front Yard

- The front yard shall include Natural Boulders – 2 or more – two feet by three feet minimum.
- The yard shall continue to have one deciduous tree unless otherwise approved. The tree may replace a bush, shrub or tree as needed within an approved landscape design.

Xeric Mixed Border

This shrubby garden has a natural feel to it, blending native and adapted plants in a casual but full manner. Foliages are attractive and mostly fine-textured, with several evergreen plants to add winter interest. Long-bloomers add color from late spring to fall. Many of the flowers attract butterflies, hummingbirds, and bees. For added late winter and early spring color, consider adding the bulbs listed below amid the lower-growing plants in the foreground of the planting. To add interest the first couple of years in the area where the shrubs are filling in, consider planting the short-lived plants listed for that purpose. This design can be used as a perimeter planting: just repeat to the length needed. It can also be widened into a broader bed with the larger plants in the center or spine by planting its mirror image on the other side. This garden needs full sun and dry conditions, and will thrive in a lean, unamended soil.



Plant List:

- A. Apache Plume -or- Fernbush (2)
- B. Sunset Hyssop -or- Sonoran Sunset® Hyssop (6)
- C. Kannah Creek® Buckwheat -or- Snow Mesa Buckwheat (12)
- D. 'Shimmer' Evening Primrose (12) -or- Silver Blade® Evening Primrose (9)
- E. Panchito Manzanita -or- Pawnee Buttes Sand Cherry (3)
- F. Mojave Sage -or- Blue Flame Hyssop (5)
- G. Red Rocks® Penstemon -or- Greek Valerian (9)
- H. Big Catmint (2)
- I. Spanish Gold® Broom -or- Lydian Broom (2)
- J. Giant Sacaton -or- Heavy Metal Switchgrass (2)
- K. Russian Sage -or- Blue Mist Spirea (2)
- L. Sea Foam Artemisia (6) -or- Partridge Feather (16)
- M. Winecups (3) -or- Table Mountain® Ice Plant (15)

Additional Plants:

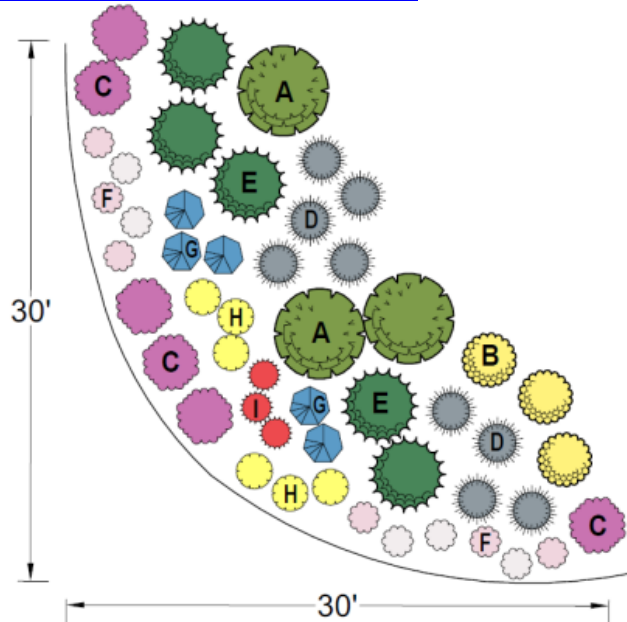
- Corsican Violet (12) randomly in front 2' of bed to self-sow year after year

If desired, fill in around shrubs with the following short-lived plants while the shrubs grow to size: • Red Feathers (9) • Prairie Jewel® penstemon (9) • Grand Mesa penstemon (9) • Moon Carrot (9) Bulbs: • Blue Snow Iris (50) • Deep Blue Grape Hyacinth (50) • Species Tulip 'Bright Gem' or 'Bronze Charm' (50) • Lipstick Tulip 'Tinka' or 'Cynthia' (50)

Colorado Watersmart Native Border

This shrub and perennial border features species and selections of native plants from the drier regions of Colorado. The plants chosen will provide interest in all seasons and evoke the natural beauty of our prairie and foothill habitats.

The water needs of the plants in this border are very low and once established irrigation would only be advised when extended periods of dry and warm weather occur. The design layout can be repeated to cover longer bed areas.

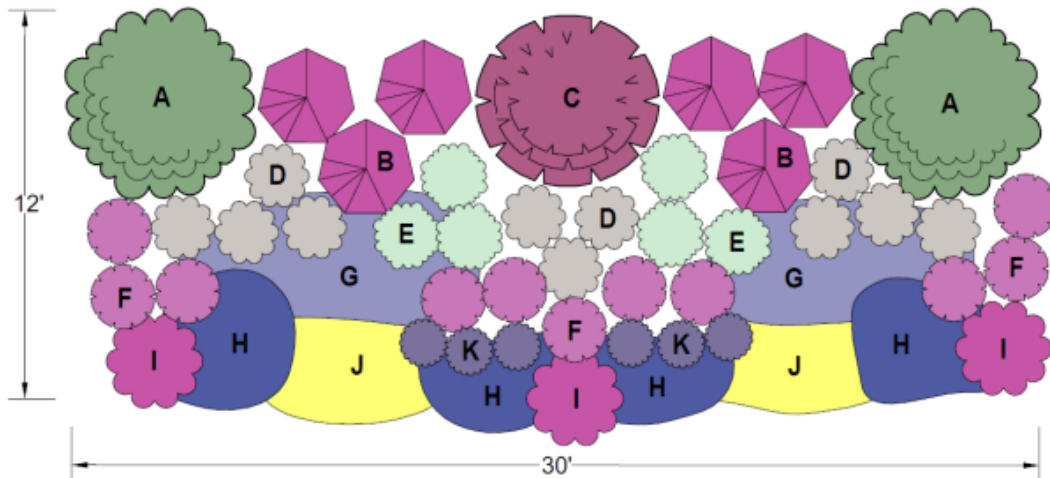


PLANT LIST:

- A. Apache Plume -or- Tall Blue Rabbitbrush (3)
- B. Baby Blue Rabbitbrush -or- Dwarf Leadplant (3)
- C. Winecups -or- Colorado Four O'Clock (5)
- D. Blonde Ambition Blue Grama Grass -or- The Blues Little Bluestem Grass (9)
- E. Panchito Manzanita -or- Soapweed Yucca (5)
- F. Prairie Lode Sundrops -or- Tufted Evening Primrose (11)
- G. Grand Mesa Penstemon -or- Rocky Mountain Penstemon (5)
- H. Kannah Creek Buckwheat -or- Prairie Coneflower (6)
- I. Bridges' Penstemon -or- Plains Gayfeather (3)

Waterwise Cottage

This garden features soft colors and textures, blended with silver foliage. Shrubs and easy-care perennials that look equally good out of bloom anchor the planting, while flowers ebb and flow from spring through fall. For additional early color, consider planting the bulbs listed amid the lower-growing plants in the foreground. To add interest the first couple of years in the area where the shrubs are filling in, consider planting the short-lived plants listed for that purpose. This is also a superb bee-attracting garden, and several of the plants offer fragrant flowers and foliage. Most but not all of the plants are deer-resistant. This design can be used as a perimeter planting: just repeat for whatever length is necessary. It can also be widened into a broader bed with the larger plants in the center or spine by planting its mirror image on the other side. All the plants are sun-loving and drought-tolerant, growing best in a well-drained soil and need little or no amendment.



Plant List:

- A. Cheyenne® Mock Orange -or- Blue Velvet® Honeysuckle (2)
- B. Sonoran Sunset® Hyssop -or- Blue Blazes Hyssop (6)
- C. Redleaf Rose -or- Silver Fountain Butterfly Bush (1)
- D. Silver Sage -or- Giant Lamb's Ears (11)
- E. Dalmatian Daisy -or- Anthea Yarrow (6)
- F. Shadow Mountain® Penstemon -or- Red Rocks® Penstemon (11)
- G. Little Trudy® Catmint (14) -or- Select Blue Catmint (10)
- H. Platinum® Sage -or- Silverton® Bluemat Penstemon (20)
- I. Winecups (3) -or- Table Mountain® Ice Plant (15)
- J. 'Shimmer' evening primrose (10) -or- Silver Blade® Evening Primrose (6)
- K. Purple Mountain® Sun Daisy -or- Compact English Lavender (6)